

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KITALE

LAND CASE NO. 28 OF 2021

JOHNSON NYAMATARI NCHORE.....PLAINTIFF

VERSUS

MARY AURE.....DEFENDANT

JUDGMENT

Vide a plaint dated **16/4/2021** and filed in court on **20/4/2021** the plaintiff instituted the present suit against the defendant seeking an order of eviction to issue against the defendant and her agents and also a permanent injunction do issue restraining the defendant and her agents from trespassing or in any manner interfering with the plaintiff's ownership, possession and/or interest in the suit **Land Title No. Trans Nzoia/Kapkoi/612 and costs of this suit**. The plaintiff's case is that he is the registered proprietor of the suit land and that in January **2021** while the plaintiff was away the defendant trespassed onto the suit land and has hired goons and prevented the plaintiff from accessing it. It is pleaded that the plaintiff served the defendant a notice to vacate on **15/1/2021** in vain hence the suit. The defendant never filed any memorandum of appearance or defence despite being served with summons and other documents on **30/4/2021** as evidenced by the affidavit of service sworn by one **Concehpter Oduor** sworn **4/5/2021**. The plaintiff testified on **28/7/2021** when this suit came up for formal proof. He relied on his witness statement filed in court on **20/4/2021**. He produced evidence that he is the registered proprietor of the suit land and of service of the notice and photographic evidence of the defendant's activities on the suit land. The evidence of the plaintiff was not controverted. The suit went unopposed.

I find that the plaintiff has established his claim against the defendant on a balance of probabilities and I therefore enter judgement in his favour against the defendant and I issue orders as prayed in **prayers Nos. (a) (b) and (c)** of the plaint dated **16/4/2021**.

It is so ordered.

DATED, SIGNED AND DELIVERED AT KITALE VIA ELECTRONIC MAIL ON THIS 29TH DAY OF JULY, 2021

MWANGI NJOROGE

JUDGE, ELC, KITALE.